

REMARKS

Please reconsider this application in view of the above amendments and the following remarks. Applicants thank the Examiner for carefully considering this application.

Disposition of the Claims

Claims 27-53 were pending in the application. On March 19, 2009, Applicants elected without traverse, Species IV directed to determining a type of operation, which included claims 34, 35, 40, 47, 48, and 53. Thus, these claims, along with generic claims 27-29, 37, 41-42, and 50 were examined by the Examiner.

In the instant response, claims 27, 29, and 42 have been cancelled by this reply without prejudice or disclaimer. In addition, claim 54-58 were added by this reply. Accordingly, claims 28, 34-35, 37, 40-41, 47-48, 50, and 53-58 are pending in the application. Claims 28, 41, and 54 are independent. The remaining claims depend, directly or indirectly, from the independent claims.

Claim Amendments

Claims 1-27, 29-33, 36, 38-39, 42-46, 49, and 51-52 have been cancelled by this reply without prejudice or disclaimer. Claims 28, 37, 41, and 50 have been amended by this reply. No new matter is added by way of these amendments as support may be found, for example, in paragraphs [0034] and [0070]-[0073] of the Specification. Claims 54-58 have been added by this reply. No new matter is added by this claim, as support may be found, for example, in paragraphs [0034] and [0070]-[0073] of the Specification.

Rejections under 35 U.S.C. § 101

Claims 28-29, 34-35, 37, and 40 are rejected under 35 U.S.C. § 101 for lack of statutory subject matter. Claims 28-29, 34-35, 37, and 40 have been cancelled by this reply. Accordingly, this rejection is moot and withdrawal is respectfully requested.

Claims 41-42 are rejected under 35 U.S.C. § 101 for lack of statutory subject matter. Claim 42 has been cancelled by this reply. Accordingly, this rejection is moot with respect to claim 42. To the extent this rejection applies to claim 41, the rejection is respectfully traversed.

Paragraphs [0081]-[0082] of the Specification have been amended to clarify that computer readable media does not include signals and waves. Accordingly, the rejection is respectfully traversed and withdrawal is respectfully requested.

Rejections under 35 U.S.C. § 112

Claims 27-29, 34-35, 37, 40-42, 47-48, 50, and 53 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Claims 27-29, 34-35, 37, 40 and 42 have been cancelled by this reply. Accordingly, the rejection is moot with respect to claims 27-29, 34-35, 37, 40 and 42. To the extent the rejection applies to the pending claims, the rejection is respectfully traversed.

Independent claim 41 has been amended to clarify that the first process is restricted to the first non-global zone. Accordingly, independent claim 41 is not indefinite. Further, the remaining claims depend, directly or indirectly, from independent claim 41. Thus, the remaining claims are

also not indefinite for at least the same reason. For these reasons, the rejection is respectfully traversed and withdrawal is respectfully requested.

Rejection under 35 U.S.C. § 102

Claims 27-29, 34-35, 37, 40-42, 47-48, 50, and 53 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication 2003/0172109 (“Dalton”). Claims 27-29, 34-35, 37, 40 and 42 have been cancelled by this reply. Accordingly, this rejection is moot with respect to claims 27-29, 34-35, 37, 40 and 42. To the extent this rejection applies to the pending claims, the rejection is respectfully traversed.

Turning to the rejection, “[a] claim is anticipated only if *each and every element* as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987) (emphasis added). Further, “[t]he identical invention must be shown in as complete detail as is contained in the claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989). Applicant asserts that Dalton fails to disclose all the limitations of the pending independent claims.

Specifically, regarding independent claim 41, Dalton fails to disclose establishing a global zone comprising a first non-global zone, wherein the first non-global zone comprises a first file system and wherein the global zone comprises a second file system. Dalton discloses compartments, where each compartment includes a subset of the host file system, whereas each non-global zone in the claimed invention has its own file system. See Dalton para. 0023. Accordingly, Dalton fails to disclose each and every element of independent claim 28.

For these reasons, claim 41 is allowable over Dalton. Claims 47, 48, 50, and 53 depend from the independent claim 41 and, thus, are also allowable over Dalton for at least the same reasons. Accordingly, the rejection is respectfully traversed and withdrawal is respectfully requested.

New Claims

Claims 54-58 have been added by this reply. No new matter is added by this claim, as support may be found, for example, in paragraphs [0034] and [0070]-[0073] of the Specification.

New claim 54 includes the same subject matter as independent claim 41. For the reasons described above, independent claim 41 is allowable over the cited prior art. Accordingly, independent claim 54 is also allowable over the cited prior art for at least the same reasons. Further, claims 55-58 depend from independent claim 54 and, thus, are also allowable over the cited prior art for at least the same reasons as independent claim 41. Accordingly, a favorable action in the form of a Notice of Allowability is respectfully requested.

Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 33227/462001).

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Respectfully submitted,

By /Robert P. Lord/
Robert P. Lord
Registration No.: 46,479
OSHA · LIANG LLP
3945 Freedom Circle, Suite 300
Santa Clara, California 95054
(408) 727-0600
(408) 727-8778 (Fax)
Attorney for Applicant